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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,778	12/31/2003	S. Michael Perlmutter	P5202	1019
24739 7590 08/06/2008 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER NGUYEN, KHAI MINH				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 08/06/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/749,778

**Applicant(s)**

PERLMUTTER, S. MICHAEL

**Examiner**

KHAI M. NGUYEN

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 19-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinz (U.S.Pub-20050070282) in view of Tiliks et al. (U.S.Pat-7155001) and further in view of Leung et al. (U.S.Pat-6005870).

Regarding claim 19, Hinz teaches in a telephone system having a service control point (SCP), a method for call treatment comprising:

(a) configuring by a user call treatment locations, other than standard call delivery ([0011]), for use by the system based on time-of-day (TOD) at the user's current location ([0011]-[0015]);

(b) providing by the user to the system an emergency access code (not specifically) ([0011], [0028]-[0029] the message may prompt the calling party of mobile station 12 to indicate in a specified manner (saying or dialing a specified response) that the call is to be routed or that the calling party wishes to leave a message for the called party);

(c) upon receiving a call placed by a caller for the user ([0011]-[0015]), determining if call treatment options apply ([0011]), and imposing the constraints ([0011]-[0015]); and

Hinz fails to specifically disclose an emergency access code, and (d) in the event the caller enters the emergency access code, routing the call back to standard call delivery. However, Tiliks teaches an emergency (not specifically) access code (fig.2, PIN (step 220-222), and (d) in the event the caller enters the emergency (not

specifically) access code (PIN), routing the call back to standard call delivery (col.12, lines 35-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Hinz and Tiliks fail to specifically disclose emergency access code. However, Leung teaches emergency access code (col.3, lines 41-50 and claim 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time was made to apply the teaching of Leung to Hinz and Tiliks to be provided control of incoming calls.

Regarding claim 20, Hinz teaches in a mobile telephone system, a method for call treatment comprising:

(a) determining a geographic location for a subscriber to the system for a call placed by a caller ([0011]-[0015]);

(b) determining the TOD at the subscriber's location ([0011]-[0015]);

(c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range ([0011]-[0015]); and

Hinz fails to specifically disclose (d) bypassing the treatment options if the caller enters emergency access code preset by the subscriber. However, Tiliks teaches (d) bypassing the treatment options if the caller enters an emergency access code (not specifically disclose) preset by the subscriber (col.12, lines 35-59). Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Hinz and Tiliks fail to specifically disclose emergency access code. However, Leung teaches emergency access code (col.3, lines 41-50 and claim 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time was made to apply the teaching of Leung to Hinz and Tiliks to be provided control of incoming calls.

Regarding claim 21, Hinz teaches a call roaming system comprising a facility for determining a geographic location of a called party for a call placed by a caller ([0011]-[0015]), determining the time of day (TOD) in the called party's location ([0011]), and informing the caller of the destination TOD ([0011]-[0015]);

wherein when the system determines a TOD within a preset range ([0011]-[0015]), the system further provides the Caller an option of going directly to voice mail ([0011]) or entering a preset access code to deliver the call an emergency access code, preset by the called party, to deliver the call (not specifically disclose).

Hinz fails to specifically disclose entering a preset access code to deliver the call an emergency access code, preset by the called party, to deliver the call. However, Tiliks teaches entering a preset access code to deliver the call an emergency access code (not specifically disclose) (PIN), preset by the called party, to deliver the call (col.12, lines 35-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to

provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Hinz and Tiliks fail to specifically disclose emergency access code. However, Leung teaches emergency access code (col.3, lines 41-50 and claim 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time was made to apply the teaching of Leung to Hinz and Tiliks to be provided control of incoming calls.

Regarding claim 22, Hinz teaches a call treatment system comprising a facility for determining a geographic location of a called party for a call placed by a caller ([0011]-[0015]), determining the time of day (TOD) in the called party's location ([0011]), checking for and applying treatment options set by the called party if the TOD determined falls within a preset range ([0011]-[0015]), and

Hinz fails to specifically disclose allowing the caller to enter an emergency access code preset by the called party that will bypass the treatment options. However, Tiliks teaches allowing the caller to enter an emergency access code (not specifically disclose) preset by the called party that will bypass the treatment options (col.12, lines 35-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Hinz and Tiliks fail to specifically disclose emergency access code. However, Leung teaches emergency access code (col.3, lines 41-50 and claim 4). Therefore, it

would have been obvious to one having ordinary skill in the art at the time was made to apply the teaching of Leung to Hinz and Tiliks to be provided control of incoming calls.

Regarding claim 23, Hinz teaches a machine-readable medium having stored thereon a set of instructions that cause a machine to perform a method comprising:

(a) determining a geographic location of a user of the system for a call placed by a caller ([0011]-[0015]);

(b) determining the TOD at the user's location ([0011]);

(c) checking for and applying treatment options set by the user if the TOD in step (b) falls within a preset range ([0011]-[0015]); and

Hinz fails to specifically disclose (d) bypassing the treatment options if the caller enters an emergency access code preset by the use. However, Tiliks teaches (d) bypassing the treatment options if the caller enters an emergency access code (not specifically disclose) preset by the use (col.12, lines 35-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Hinz and Tiliks fail to specifically disclose emergency access code. However, Leung teaches emergency access code (col.3, lines 41-50 and claim 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time was made to apply the teaching of Leung to Hinz and Tiliks to be provided control of incoming calls.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/  
Examiner, Art Unit 2617

8/2/2008